

Indiana Regulatory Occupations Evaluation Committee Minutes of the May 25, 2011 Committee Meeting

Call to Order & Establishment of Quorum

The Regulatory Occupations Evaluation Committee (ROEC) meeting was called to order on Wednesday, May 25th in the Government Center South Conference Room 1 at 9:00 a.m.

Committee members present:

- Dean John Graham, Committee Chair
- Barry Boudreaux
- Gloria Downham
- Frances Kelly
- Dave Miller
- Sally Spiers
- Rita Springer

IPLA staff members present:

- Gale Albright
- Marty Allain
- Lisa Bentley

Review and Approval of Minutes

The April 20, 2011 minutes were reviewed and unanimously approved by committee members.

Interpretation of Question Two on Scoring Sheet

(Question two was referenced: *Informed Consumer Choice or Access to Information. To what extent do individual consumers have to capabilities and access to information to make informed risk benefit decisions about purchasing goods or services from a particular profession. 1= High Capability or Access of Information; 5 = Minimal Capability or Access of Information.*)

Dean Graham asked Gloria how varied the range of answers was regarding question number two. Ms. Downham responded that she did not have the information immediately available but from her recollection the answers appeared to vary between one and four points.

Due to question two causing erratic degrees of response, the committee decided that the question needed to be removed from the scoring sheet in the future.

Committee Members' Presentation of Findings & Recommendations of the State Board of Cosmetology and Barber Examiners - Gloria Downham and Frances Kelly

Frances Kelly and Gloria Downham distributed four handouts entitled ROEC Report Outline (attached hereto as Exhibit A), Combined Licenses (attached hereto as Exhibit B) and State Cosmetology Board Information (attached hereto as Exhibit C) and Reciprocity Cosmetology Barber Board (attached hereto as Exhibit D). Gloria stated that she feels the report should make mention of how the committee evaluated licenses and include both sunrise and sunset regulation suggestions. She also mentioned that perhaps this committee may want to investigate if there is another format or legislative group that should be tasked with hearing ROEC recommendations other than the Health Finance Committee; specifically whether a license should be created or discontinued in Indiana.

Dean Graham asked for clarification of the sunset/sunrise process. Frances stated that some states have an expiration date on licenses and are required to make their case before the General Assembly of their respective state as to whether or not the license type should be renewed every few years. She further explained that during the sunrise process any new license type would be reviewed prior to licensure.

Dean Graham inquired as to what government entity could be responsible for the sunrise review procedure. It was suggested that the Legislative Services Agency could be the responsible legislative body to oversee the sunrise procedures. It was further recommended that any group hoping to become licensed should be required to use the ROEC assessment tool, to provide information to make a case as to whether a license is really needed. It was also discussed if IPLA could provide research information for specific licenses within a reasonable timeline.

Dean Graham pointed out that ROEC Part B is acting as a type of sunset review for the purpose of deliberation that may induce modernization to those licenses they recommend to retain.

Frances explained that there are currently twenty different license types for Cosmetology/Barber with several of those having a temporary license as well. Recommendations for the Barber/Cosmetology licenses are as follows:

- Combine the licenses for:

 - Barber/Cosmetology

 - Barber Shops/Cosmetology Shops

 - Barber Schools/Cosmetology Schools

 - Barber Instructor/Cosmetology Beauty Culture Instructor licenses

- Eliminate temporary licenses for all license types except Salons

- Eliminate electrologist license

- Eliminate tanning Salon license along with moving the responsibility/regulation to local DOH (Department of Health) offices

- Streamline process and requirements for licenses

- Reciprocity – readdress requirements due to the fact that many states have lesser requirements for licensing than Indiana

- Inspection citation program

General consensus from committee members is that they do not feel they have enough experience to recommend eliminating boards at this time.

David Miller commented that he feels it is better to review and determine whether it is appropriate for tanning salons to be placed back under the Indiana Department of Health, and then allow them to make the final determination whether or not to place the tanning facilities under the local health departments. He strongly feels it is still the state's responsibility to protect people and that there could be considerable negative focus on the health risks associated with tanning beds if the public perception was that the state was decreasing its regulation of them.

Barry Bourdeaux asked for further clarification on the reasoning of eliminating temporary licenses as related to HFA licenses that he reviewed. Gloria responded currently IPLA has both temporary and provisional licenses. In the case of HFA licenses, temporary licenses are given out for ninety days to individuals planning to apply for full Indiana licensure. Also provisional licenses are given for six months to individuals who do not hold an Indiana license but are licensed in another state. Gloria and Frances feel that temporary licenses could be eliminated and broader provisional license language could be instituted.

Committee Members' Presentation of the Indiana State Board of the Health Facility Administrators (HFA) - Barry Boudreaux and Rita Springer

Barry Bourdeaux and Rita Springer distributed a handout entitled "Findings and Recommendations RE: Indiana State Board of Health Facility Administrators (attached hereto as Exhibit E), containing findings and recommendations on the following topics:

- Education/Presentations
- ROEC Analysis
- Validation of ROEC's Objective Assessment

They presented the following recommendations that they feel need to be included in the ROEC report which is due on July 1, 2011:

- Retain all licenses
- Recommend a study to improve consistency/content of Administrator-in-Training Program
- Recommend a regulation change to require HFA/RCA to report employment status
- Reassign the HFA Board to the ISDH

The committee questioned whether or not there had been any feedback from the Indiana Department of Health (ISDH) regarding placing HFAs back under its jurisdiction. It was pointed out that there has not been any contact with ISDH regarding this matter. It was stated that this committee would also need to recommend that HFA fees would be transferred as well.

Shelley Rauch, of the Indiana State Board of Health Facility Administrators, explained that the education component would also need to be added because she did not feel that ISDH inspectors fully understood the HFA Standards of Practice. General consensus of the committee is that the education of inspectors needs to be put in place immediately even if HFAs remains under the jurisdiction of IPLA.

David Miller stated that there is a debate as to whether or not there is enough accountability of administrators because of it being a critical position within a facility. The facility is being regulated for its health component while the individuals practicing there are regulated for the activities they engage in. David said that he sees the facility versus the HFA falling under a different analysis. He feels that HFA analysis is legitimate because someone must be accountable, probably should be more accountable, and therefore he thinks this is viable.

Dean Graham asked for further discussion on the recommendation to require HFAs/RCAs to report employment statuses. He asked if this is a requirement of where they are currently employed or each time they are employed. Barry responded that he feels they need to notify IPLA or ISDH each time they move to new locations. David Miller inquired as to whether or not this information would be made available to the public. Frances replied that it would not.

Dean Graham instructed IPLA staff to invite the ISDH to attend the ROEC June 15, 2011 meeting to discuss the possibility of HFAs being transferred to them for oversight.

Proposed Recommendations for report to Indiana Health Finance Commission regarding the licensing and regulation of the State Board of Cosmetology and Barber Examiners & Indiana State Board of Health Facility Administrators

Dean Graham stated that during lunch some of the committee members discussed their concerns with making recommendations to the Health Finance Commission at this point in the process. He said that they feel it would be better to submit two reports instead of one. The first one would contain findings and after reviewing a few more boards the committee could submit a second report in October 2011 with recommendations.

Proposed Process for Compilation of Report

The committee discussed the compilation of the report and stated it should be compiled in the following manner:

- General Report
- General Recommendations
- Appendix – Agendas/Minutes/Power-points/Handouts

The allocations of those responsibilities for the report were divided up as follows:

- Dean Graham and Ryan, his research student, will work on streamlining the information from both boards into some type of initial draft report.

- Frances and Gloria will work on the sunrise/sunset portion of the report attempting to weave it in throughout the report.
- Background of the committee and how it came into existence will be delegated to Ryan.
- Frances will work with IPLA staff to gather the agendas, minutes and power points presented.

Gloria will send out information to the committee members with a due date as to when she needs all their information to compile the Private Investigator & Security Guard Licensing Board (PISG) scoring sheets.

Revision of Review Schedule

JUNE 15, 2011 – 9:00 am – 11:30 am

- Indiana Department of Health report on possibility of Health Facility Administrator licensing being moved from IPLA to the Department of Health – Terry Whitson, Assistant Commissioner
- Proposed recommendations and framework for report to Indiana Health Finance Commission regarding the licensing and regulation of the Cosmetology and Barber Examiners & Indiana State Board of Health Facility Administrators

AUGUST 24, 2011 – 9:00 am – 3:30 pm

- State Board of Registration for Professional Engineers – “Part A” presentation
- Committee of Hearing Aid Dealer Examiners – “Part A” presentation
- Private Investigators & Security Guard Licensing Board – “Part B” presentation
- Committee deliberation

SEPTEMBER 21, 2011 – 9:00 am – 3:30 pm

- State Board of Registration for Professional Engineers – “Part B” presentation – *if needed*
- Committee of Hearing Aid Dealer Examiners – “Part B” presentation – *if needed*
- Findings and Recommendations for Private Investigators & Security Guard Licensing Board
- Committee deliberation

OCTOBER 12, 2011 – 9:00 am – 3:30 pm

- Indiana Optometry Board – “Part A” presentation
- Indiana Dietitian Certification Board – “Part A” presentation
- Findings and Recommendations of the State Board of Registration for Professional Engineers and the Committee of Hearing Aid Dealer Examiners
- Committee deliberation

NOVEMBER 16, 2011 – 9:00 am – 3:30 pm

- Indiana Optometry Board – “Part B” presentation – *if needed*
- Indiana Dietitian Certification Board – “Part B” presentation – *if needed*
- Findings and Recommendations of Indiana Optometry Board and Indiana Dietitian Certification Board
- Committee deliberation

Adjournment

Chairperson Graham adjourned the meeting at approximately 1:40 p.m.

Dean John Graham, Chair
Indiana Regulatory Occupations Evaluation Committee

Date

Next Scheduled Meeting:

June 15, 2011

9:00 a.m.

Indiana Government Center South
Room W064 of the Indiana Professional Licensing Agency